

of Health and Human Services shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b) of this section, to—

(A) every State department of public health; and

(B) other Department of Health and Human Services partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Health and Human Services.

(4) NOTIFICATION BY THE ATTORNEY GENERAL.—The Attorney General shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2216 of the Homeland Security Act of 2002, as added by subsection (b) of this section, to—

(A) every State department of justice; and

(B) other Department of Justice partners in the implementation of the best practices and recommendations of the Clearinghouse, as determined appropriate by the Attorney General.

(d) GRANT PROGRAM REVIEW.—

(1) FEDERAL GRANTS AND RESOURCES.—The Secretary of Education, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Attorney General shall each—

(A) review grant programs administered by their respective agency and identify any grant program that may be used to implement best practices and recommendations of the Clearinghouse;

(B) identify any best practices and recommendations of the Clearinghouse for which there is not a Federal grant program that may be used for the purposes of implementing the best practice or recommendation as applicable to the agency; and

(C) periodically report any findings under subparagraph (B) to the appropriate committees of Congress.

(2) STATE GRANTS AND RESOURCES.—The Clearinghouse shall, to the extent practicable, identify, for each State—

(A) each agency responsible for school safety in the State, or any State that does not have such an agency designated;

(B) any grant program that may be used for the purposes of implementing best practices and recommendations of the Clearinghouse; and

(C) any resources other than grant programs that may be used to assist in implementation of best practices and recommendations of the Clearinghouse.

(e) RULES OF CONSTRUCTION.—

(1) WAIVER OF REQUIREMENTS.—Nothing in this section or the amendments made by this section shall be construed to create, satisfy, or waive any requirement under—

(A) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.);

(B) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(C) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(D) title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); or

(E) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

(2) PROHIBITION ON FEDERALLY DEVELOPED, MANDATED, OR ENDORSED CURRICULUM.—Nothing in this section or the amendments made by this section shall be construed to authorize any officer or employee of the Federal Government to engage in an activity otherwise prohibited under section 103(b) of the Department of Education Organization Act (20 U.S.C. 3403(b)).

SA 4189. Mr. WHITEHOUSE (for himself and Mr. GRAHAM) submitted an

amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. PREVENTING INTERNATIONAL CYBERCRIME.

(a) PREDICATE OFFENSES.—Part I of title 18, United States Code, is amended—

(1) in section 1956(c)(7)(D)—

(A) by striking “or section 2339D” and inserting “section 2339D”; and

(B) by striking “of this title, section 46502” and inserting “, or section 2512 (relating to the manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices) of this title, section 46502”; and

(2) in section 1961(1), by inserting “section 1030 (relating to fraud and related activity in connection with computers) if the act indictable under section 1030 is felonious,” before “section 1084”.

(b) FORFEITURE.—

(1) IN GENERAL.—Section 2513 of title 18, United States Code, is amended to read as follows:

“§2513. Confiscation of wire, oral, or electronic communication intercepting devices and other property

“(a) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation of section 2511 or 2512, or convicted of conspiracy to violate section 2511 or 2512, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(1) such person’s interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of a violation of section 2511 or 2512; and

“(2) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained or retained directly or indirectly as a result of a violation of section 2511 or 2512.

“(b) FORFEITURE PROCEDURES.—Pursuant to section 2461(c) of title 28, the procedures of section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) thereof, shall apply to criminal forfeitures under this section.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 of title 18, United States Code, is amended by striking the item relating to section 2513 and inserting the following:

“2513. Confiscation of wire, oral, or electronic communication intercepting devices and other property.”.

(c) SHUTTING DOWN BOTNETS.—

(1) AMENDMENT.—Section 1345 of title 18, United States Code, is amended—

(A) in the heading, by inserting “and abuse” after “fraud”;

(B) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (B), by striking “or” at the end;

(II) in subparagraph (C), by inserting “or” after the semicolon; and

(III) by inserting after subparagraph (C) the following:

“(D) violating or about to violate section 1030(a)(5) of this title where such conduct has caused or would cause damage (as defined in section 1030) without authorization to 100 or more protected computers (as defined in section 1030) during any 1-year period, including by—

“(i) impairing the availability or integrity of the protected computers without authorization; or

“(ii) installing or maintaining control over malicious software on the protected computers that, without authorization, has caused or would cause damage to the protected computers;”; and

(ii) in paragraph (2), in the matter preceding subparagraph (A), by inserting “, a violation described in subsection (a)(1)(D),” before “or a Federal”; and

(C) by adding at the end the following:

“(c) A restraining order, prohibition, or other action by a court described in subsection (b), if issued in circumstances described in subsection (a)(1)(D), may, upon application of the Attorney General—

“(1) specify that no cause of action shall lie in any court against a person for complying with the restraining order, prohibition, or other action by a court; and

“(2) provide that the United States shall pay to such person a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in complying with the restraining order, prohibition, or other action by a court.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 18, United States Code, is amended by striking the item relating to section 1345 and inserting the following:

“1345. Injunctions against fraud and abuse.”.

(d) AGGRAVATED DAMAGE TO COMPUTERS USED TO OPERATE OR ACCESS CRITICAL SYSTEMS AND ASSETS.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

“§1030A. Aggravated damage to computers used to operate or access critical systems and assets

“(a) OFFENSE.—It shall be unlawful, during and in relation to a felony violation of section 1030, to knowingly cause or attempt to cause damage to a computer used to operate or access critical systems and assets, if such damage results in (or, in the case of an attempted offense, would, if completed, have resulted in) the substantial impairment—

“(1) of the operation of the computer; or

“(2) of the critical systems and assets associated with such computer.

“(b) PENALTY.—Any person who violates subsection (a) shall, in addition to the term of punishment provided for the felony violation of section 1030, be fined under this title, imprisoned for not more than 20 years, or both.

“(c) PROHIBITION ON PROBATION.—Notwithstanding any other provision of law, a court shall not place any person convicted of a violation of this section on probation.

“(d) DEFINITIONS.—In this section—

“(1) the terms ‘computer’ and ‘damage’ have the meanings given the terms in section 1030; and

“(2) the term ‘critical systems and assets’ means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have catastrophic regional or national effects on public health or safety, economic security, or national security, including voter registration databases, voting machines, and other communications systems that manage the election process or report and display results on behalf of State and local governments.”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

“1030A. Aggravated damage to computers used to operate or access critical systems and assets.”.

(e) STOPPING DEALING IN BOTNETS; FORTUITURE.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (7), by adding “or” at the end; and

(B) by inserting after paragraph (7) the following:

“(8) intentionally deals in the means of access to a protected computer, if—

“(A) the dealer knows or has reason to know the protected computer has been damaged in a manner prohibited by this section; and

“(B) the promise or agreement to pay for the means of access is made by, or on behalf of, a person the dealer knows or has reason to know intends to use the means of access to—

“(i) damage a protected computer in a manner prohibited by this section; or

“(ii) violate section 1037 or 1343;”;

(2) in subsection (c)(3)—

(A) in subparagraph (A), by striking “(a)(4) or (a)(7)” and inserting “(a)(4), (a)(7), or (a)(8)”;

(B) in subparagraph (B), by striking “(a)(4), or (a)(7)” and inserting “(a)(4), (a)(7), or (a)(8)”;

(3) in subsection (e)—

(A) in paragraph (13), by striking “and” at the end;

(B) in paragraph (14), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(15) the term ‘deal’ means transfer, or otherwise dispose of, to another as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value.”;

(4) in subsection (g), in the first sentence, by inserting “, except for a violation of subsection (a)(8),” after “of this section”; and

(5) by striking subsection (i) and inserting the following:

“(i) CRIMINAL FORFEITURE.—

“(1) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) such person’s interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

“(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

“(2) APPLICABLE PROVISIONS.—The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial proceeding, shall be governed by the procedures of section 413 of the Controlled Substances Act (21 U.S.C. 853), except subsection (d) of that section.”.

SA 4190. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1283. NOTIFICATION OF ABANDONED UNITED STATES MILITARY EQUIPMENT USED IN TERRORIST ATTACKS.

(a) IN GENERAL.—Not later than 30 days after any element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003) determines that United States military equipment abandoned or otherwise left unsecured in Afghanistan, Iraq, or Syria has been used in a terrorist attack against the United States, allies or partners of the United States, or local populations, the Director of National Intelligence shall submit to the appropriate committees of Congress a written notification of such determination.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Select Committee on Intelligence, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SA 4191. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 607. USE OF FINANCIAL SERVICES PROVIDERS IN PROVISION OF FINANCIAL LITERACY TRAINING FOR MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

Section 992 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) TRAINING FOR MEMBERS STATIONED OVERSEAS.—

“(1) IN GENERAL.—As part of the financial literacy training provided under this section to members of the armed forces stationed or deployed at an installation outside the United States, the commander of such installation may, in the commander’s discretion, permit representatives of financial services providers serving, or intending to serve, such members to participate in such training, including in orientation briefings regularly scheduled for members newly arriving at such installation.

“(2) NO ENDORSEMENT.—In permitting representatives to participate in training and orientation briefings pursuant to paragraph (1), a commander may not endorse any financial services provider or the services provided by such provider.

“(3) FINANCIAL SERVICES PROVIDER DEFINED.—In this subsection, the term ‘financial services provider’ means the following:

“(A) A financial institution, insurance company, or broker-dealer that is licensed and regulated by the United States or a State.

“(B) A money service business that is—

“(i) registered with the Financial Crimes Enforcement Network (FinCEN) of the Department of the Treasury; and

“(ii) licensed and regulated by the United States or a State.

“(C) The host-nation agent of a money service business described in subparagraph (B).”.

SA 4192. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 376. TRANSFER OF EXCESS DEPARTMENT OF DEFENSE REMOTELY PILOTED AIRCRAFT AND RELATED EQUIPMENT TO DEPARTMENT OF HOMELAND SECURITY FOR U.S. CUSTOMS AND BORDER PATROL PURPOSES AND DEPARTMENT OF AGRICULTURE FOR U.S. FOREST SERVICE PURPOSES.

(a) OFFER OF FIRST REFUSAL OUTSIDE DoD.—

(1) IN GENERAL.—Upon a determination that aircraft or equipment specified in subsection (c) is excess to the requirements of all components of the Department of Defense, the Secretary of Defense shall offer to the Secretary of Homeland Security to transfer such aircraft or equipment to the Secretary of Homeland Security for use by U.S. Customs and Border Patrol.

(2) TIMING OF OFFER.—Any offer under paragraph (1) for aircraft or equipment shall be made before such aircraft or equipment is otherwise disposed of outside the Department of Defense.

(b) OFFER OF SECOND REFUSAL OUTSIDE DoD.—

(1) IN GENERAL.—Upon a determination that aircraft or equipment offered to the Secretary of Homeland Security under subsection (a) will not be accepted by the Secretary of Homeland Security in accordance with that subsection, the Secretary of Defense shall offer to the Secretary of Agriculture to transfer such aircraft or equipment to the Secretary of Agriculture for use by the Forest Service for wildland fire management purposes.

(2) TIMING OF OFFER.—Any offer under paragraph (1) for aircraft or equipment shall be made before such aircraft or equipment is otherwise disposed of outside the Department of Defense.

(c) AIRCRAFT AND EQUIPMENT.—The aircraft and equipment specified in this subsection is the following:

(1) Retired MQ-1 Predator, MQ-9 Reaper, RQ-4 Global Hawk, or other remotely piloted aircraft that are excess to the requirements of the military departments.

(2) Initial spare MQ-1 Predator, MQ-9 Reaper, RQ-4 Global Hawk, or other remotely piloted aircraft that are excess to the requirements of the military departments.

(3) Ground support equipment of the military departments for MQ-1 Predator MQ-9 Reaper, RQ-4 Global Hawk, or other remotely piloted aircraft that are excess to the requirements of the military departments.